



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOV 01 2012

Dr. William C. Collins
Superintendent of Schools
Newington Board of Education
131 Cedar Street
Newington, Connecticut 06111

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
Newington High School
Newington, Connecticut

Dear Dr. Collins:

This is in response to the Town of Newington (the Town) Notification¹ for approval to clean up and dispose of PCB-contaminated building materials located in the building known as the Newington High School (the Site) located at 605 Willard Avenue, Newington, Connecticut. Specifically, caulk located at six (6) doors contains PCB concentrations that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a) and § 761.62. In addition, paint and varnish found in the auditorium, rooms 404, 407, 409, and the music storage room contained PCB concentrations greater than (>) 1 part per million.

In its Notification, the Town has proposed the following PCB cleanup and disposal plan:

- Remove and dispose of *PCB bulk product waste* (i.e., caulk and door systems) in a TSCA-approved disposal facility or RCRA hazardous waste landfill
- Remove and dispose of the following as greater than or equal to (\geq) 50 ppm *PCB remediation waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill

¹ The Notification was prepared by Fuss & O'Neill on behalf of the Town of Newington to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was submitted dated February 29, 2012 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); June 11, 2012 (Revised SIDP and Response to Comments); June 21, 2012 (2nd Revised SIDP and Response to Comments); June 26, 2012 (email response to questions concerning figures); July 27, 2012 (3rd Revised SIDP and Response to Comments); August 28, 2012 (email Response to questions); September 4, 2012 (email Response to concrete sills/sidewalk question); October 11, 2012 (4th Revised SIDP); and October 23, 2012 (email Response to sampling questions). These submittals shall be referred to as the "Notification".

- Concrete door sills from doors 8 and 19 (assumed to have PCB concentrations ≥ 50 ppm)
- *Porous surfaces* (i.e., brick) to a distance of 6 inches from the PCB caulk for doors 5, 8, and 19
- Remove and dispose of the following as a *PCB remediation waste* > 1 ppm but < 50 ppm at a state permitted disposal facility in accordance with § 761.61(a)(5)(i)(B)(2)(ii):
 - *Porous surfaces* (i.e., brick) to a distance of 12 inches from the PCB caulk joint of doors 4 and 14
 - *Porous surfaces* (i.e., brick) to a distance of 6 inches from the PCB caulk joint for door 23
 - Concrete sills – doors 5, 14, and 23, and stage stairs located on both sides of the stage
 - Concrete sidewalks - doors 14 and 23 to a horizontal distance of 6 inches
 - All gray floor paint from the auditorium, music equipment storage room, room 412, and room 400
 - All blue floor paint from room 407, all aqua blue paint from room 409, and all varnish from the stage
- Conduct verification sampling of the doors in accordance with 40 CFR 761 Subpart O (sampling frequency 1 sample every 5 linear feet) to confirm that the PCB cleanup standard of less than or equal to (≤ 1 ppm) has been met
- Conduct verification sampling of the abated *porous surfaces* in accordance with the Notification to confirm that the PCB cleanup standard of ≤ 1 ppm has been met

Based on EPA's review, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61, 761.62, and 761.79(h) for removal and disposal of *PCB bulk product waste* and for removal and/or decontamination of *PCB remediation waste*. Further, the proposed decontamination and disposal activities are consistent with the requirements and standards established under § 761.61(a), § 761.62, § 761.79 for similar types of PCB-contaminated materials.

With respect to the verification sampling frequency, based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach, EPA has determined that the sampling plan and verification sampling frequency are adequate to confirm that PCB cleanup standard has been met. EPA finds that the activities proposed by the Town will not create an unreasonable risk to public health or the environment when conducted in accordance with the Notification and this Approval. EPA may approve the sampling under § 761.61(c).

The Town may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

Please be aware that in the event that the remediation work is conducted when school is in session, this Approval requires that the Town develop a communications plan to address the possible concerns of the school community.

This Approval does not release the Town from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Connecticut Department of Energy and Environmental Protection (CT DEEP) regulations.

Correspondence and questions regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "James T. Owens III", followed by a stylized flourish or checkmark.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc: Carlos Texidor, Fuss & O'Neill
Lou Jachimowicz, Board of Education
Newington Board of Health
Brian Toal, CTDPH
Gary Trombly, CTDEEP
File

Attachment 1- Approval Conditions

ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
NEWINGTON HIGH SCHOOL ("the Site")
605 WILLARD AVENUE, NEWINGTON, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The Town of Newington (the Town) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Town must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The Town is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Town has or receives information indicating that the Town or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Town are authorized to conduct the activities set forth in the Notification. The Town is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Town from compliance with any applicable requirements of federal, state or local law; or 3) release the Town from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The Town shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored, with appropriate figures, and disposed of, and on how field equipment will be decontaminated; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL and DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk (i.e., *PCB bulk product waste*), paint, and varnish shall be removed as described in the Notification.
 - b. The decontamination standard for building *porous surfaces* (i.e., wood, concrete and brick) shall be less than or equal to (\leq 1 ppm.
 - i) Sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.

- ii) Samples on the exterior of the building (i.e., exterior doorways) shall be collected in accordance with 40 CFR 761 Subpart O at a frequency of 1 sample every 5 linear feet.
 - iii) Samples from the auditorium and adjacent rooms where floor paint and varnish were removed shall be collected in accordance with Notification, at a frequency of 1 sample every 100 square feet.
 - iv) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) or § 761.62, unless otherwise specified below:
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. The Town shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the Town in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
19. The Town shall submit a final report in electronic and hard copy, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photographic documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.
20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1